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Tables and Index 1988

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Cases reported and considered
Practice directions and notes
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Subject index

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Introduction

The Tables and Index 1988 covers all the cases reported in the three volumes of the All England Law Reports for 1988.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 1988, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 1988
- a table of practice directions and notes issued in 1988
- a table of statutes etc judicially considered in 1988
- a table of words and phrases judicially considered in 1988
- a subject index, including a full system of cross-references, of all cases reported in 1988.

The Tables and Index 1988, when used in conjunction with the three volumes of the Consolidated Tables and Index 1936–1986 and the Tables and Index 1987, provides a complete index of cases reported in the All England Law Reports from 1936 to the end of 1988.

The index is separate from the 1988 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

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Report of guardian ad litem—Confidentiality—Social worker instructed on behalf of parent—Whether leave of court required to show report to social worker called as witness—Whether court having power to authorise disclosure of report to social worker—Principles to be applied by court in exercising its power to permit disclosure. **R v Sunderland Juvenile Court, ex p G (a minor)** [1988] **2** 34, CA.
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Anticipatory breach—
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Design 'capable of registration' at time work was made—Design having eye appeal—Design purely functional—Whether functional design having eye appeal capable of registration—Registered Designs Act 1949, s 1(3)—Copyright Act 1956,Sch 7,para8(2).**Interlego AG v Tyco Industries Inc**[1988] **3** 949, PC.

Design 'capable of registration' at time work was made—New or original design—Whether design lacking novelty capable of registration—Registered Designs Act 1949,s 1(2)—Copyright Act 1956,Sch 7,para 8(2).**Interlego AG v Tyco Industries Inc**[1988] **3** 949, PC.

Right of action—

Authorisation of infringement—Incitement to make infringing copies—Defendants advertising and selling twin-deck tape recorders—Machines capable of being used for copying of copyright material—Defendants advertising machines in manner likely to encourage copying—Plaintiffs' copyright material likely to be infringed—Plaintiffs bringing action alleging defendants inciting members of public to commit offence of making infringing copies—Plaintiffs seeking injunction and damages—Whether plaintiffs entitled to sue for injunction to restrain breach of criminal law—Whether plaintiffs having good cause of action—Copyright Act 1956, s 21(3). **CBS Songs Ltd v Amstrad Consumer Electronics plc** [1988] **2** 484, HL.

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Accidental death—Death by misadventure—Lack of care—Deceased dying of heat-stroke while participating in army training exercise—Coroner directing jury that possible verdicts were accidental death or death by misadventure—Jury returning verdict of accidental death—Whether distinction between accidental death and death by misadventure—Whether lack of care after deceased's collapse an appropriate issue for jury. **R v Portsmouth Coroner, ex p Anderson** [1988] **2** 604, QBD.

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Date when death occurs—Death occurring more than year and a day after injury self-inflicted—Whether year and a day rule applying to suicide—Whether coroner can bring in verdict of suicide if death occurring more than year and a day after deceased inflicting injury on himself. **R v Inner West London Coroner, ex p De Luca** [1988] **3** 414, QBD.

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Sanderson order—
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Chancery business—London—Transfer of Chancery business to Mayor's and City of London Court—Pre-trial directions—Transfer of court file—Procedure—County Courts Act 1984, s 40(7)(8). **Practice Direction** [1988] **3** 96, ChD.
Transfer from Queen's Bench Division—Documents to be filed in Central Office—Filed documents together with writ etc to be sent by post to registrar of county court to which action transferred. **Practice Direction** [1988] **2** 64, QBD.
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CRIMINAL EVIDENCE (cont)

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Voluntary statement—

Statement made by accused out of court—Statement in part an admission and in part exculpatory—Whether exculpatory parts constitute evidence of truth of facts alleged therein—Whether whole statement should be put before jury—What direction should be given to jury. **R v Sharp** [1988] **1** 65, HL.

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Evidence of accused already indicating to jury she had committed other offences—Whether questions admissible in view of evidence of accused—Criminal Evidence Act 1898, s 1(*f*). **R v Anderson** [1988] **2** 549, CA.

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Witness in criminal proceedings—Leave of court for police to interview child—Circumstances where application for leave may be made ex parte or where interview or examination of child may be made without leave of court—Notification of parent, foster parent or other 'appropriate adult' and guardian ad litem—Code of Practice for Detention, Treatment and Questioning of Persons by Police Officers. **Practice Direction** [1988] **2** 1015, FamD.

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Order to make material available —Legal privilege—Items subject to legal privilege—Intention of furthering criminal purpose—Intention—Conveyancing documents held by solicitor—Documents arising out of transaction intended to launder drug trafficking proceeds—Solicitor not holding documents with intention of furthering criminal purpose—Whether client's or third party's intention relevant—Whether documents held with intention of furthering a criminal purpose—Whether documents privileged from production—Police and Crimiunal Evidence Act 1984,s 10—Drug Trafficking Offences Act 1986,s 27(9)(*a*). **Francis & Francis (a firm) v Central Criminal Court [1988]** 3 **775, HL.**

Exclusion of evidence—

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Test purchase made by police officer in plain clothes—Whether police officer's evidence having adverse effect on fairness of proceedings—Whether police officer's evidence should be excluded—Police and Criminal Evidence Act 1984, s 78(1). **DPP v Marshall** [1988] **3** 683, QBD.

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Hearsay—

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Witness scared and unwilling to give evidence at trial—Whether police officer's evidence that he had been told by witness of threats admissible in support of Crown's application to introduce witness's deposition at trial—Whether threats could be 'proved at the trial' by admissible evidence—Criminal Justice Act 1925, s 13(3). **R v O'Loughlin** [1988] **3** 431, CCC.

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CRIMINAL EVIDENCE (cont)
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Defendant acquitted—Solicitor defendant—Solicitor charged with criminal offences—Solicitor acting on own behalf—Charges dismissed—Defence costs ordered to be paid out of central funds—Whether costs and disbursements of solicitor acting on own behalf amounting to 'expenses properly incurred' in defence—Whether solicitor's fees payable out of central funds—Costs in Criminal Cases Act 1973, s 1(3). **R v Stafford Stone and Eccleshall Magistrates' Court, ex p Robinson** [1988] **1** 430, QBD.

CRIMINAL LAW (cont)
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Ingredients of offence—
Dishonestly receiving stolen goods 'otherwise than in the course of stealing'—Whether jury must be satisfied accused did not receive goods in course of stealing before they can convict him of alternative offence of handling stolen goods—Theft Ordinance (Hong Kong), s 24(1). **A-G of Hong Kong v Yip Kai-foon** [1988] **1** 153, PC.
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Time limit—Trial to begin within prescribed period beginning with date of committal—Extension of time—Procedure to be followed where leave to extend time has not been given—Supreme Court Act 1981, s 77(2)(*b*). **R v Spring Hill Prison Governor, ex p Sohi** [1988] **1** 424, QBD.

Time limit—Trial to begin within prescribed period beginning with date of committal—Failure to observe time limit—Effect on lawfully conducted trial—Whether provision as to time limit mandatory or directory—Whether failure to observe time limit precluding Crown Court from extending time limit—Whether trial lawfully conducted after expiration of time limit a nullity—Supreme Court Act 1981, s 77(2)(*b*). **R v Spring Hill Prison Governor, ex p Sohi** [1988] **1** 424, QBD.

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Direction to jury—Judge directing jury that if they were satisfied beyond reasonable doubt that accused was guilty of either offence they could convict him of whichever they thought was more probable or likely in circumstances—Whether misdirection. **A-G of Hong Kong v Yip Kai-foon** [1988] **1** 153, PC.

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Exposure of serving soldier to excessive radiation by activities of authority—Soldier suffering serious injury—Liabilities of authority subsequently transferred to Secretary of State for Defence—Action for damages brought by soldier against Secretary of State in respect of injuries—Whether Secretary of State entitled to claim immunity from suit—Crown Proceedings Act 1947, s 10(1)(2)—Atomic Energy Authority (Weapons Group) Act 1973, ss 1(2)(*b*), 4(2). **Pearce v Secretary of State for Defence** [1988] **2** 348, CA & HL.

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Legal professional privilege. *See* Legal professional privilege, *ante*.
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Jurisdiction—
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Variation of order—
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Pre-appeal review—Power to order production of documents. *See* **Criminal law** (Appeal—Pre-trial review—Power to order production of documents and attendance of witnesses).
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Intention to make permanent home—Taxpayer having domicile of origin in England—Taxpayer dividing her residence between England and Guernsey—Taxpayer intending to work and live in Guernsey—Whether taxpayer demonstrating acquisition of domicile of choice in Guernsey. **Plummer v IRC** [1988] **1** 97, ChD.

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Drug trafficking—
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Right of way—
Prescription—
Lost modern grant—Mistaken belief about entitlement to right of way—Alleged right of way exercised for 22 years—Whether plaintiff's mistaken belief preventing user from establishing right by prescription—Whether presumption of lost modern grant rebutted by mistaken belief. **Bridle v Ruby** [1988] **3** 64, CA.

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Duty to take care. *See* **Negligence** (Duty to take care—Economic loss).

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EMPLOYMENT (cont)

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Equal pay for work of equal value—Inequality of pay—Female employee employed as warehouse operative—Female employee's work of equal value to that of male warehouse checker—Female employee paid less than male checker but same as male operative engaged on like work—Whether woman entitled to equal pay for work of equal value when a man was paid the same as her for like work—Equal Pay Act 1970, s 1(2). **Pickstone v Freemans plc** [1988] **2** 803, HL.

Pay—Inequality of specific terms and conditions—Applicant employed as cook in shipyard—Applicant's work of equal value to male shipyard workers—Applicant paid less than male comparators—Whether equality provisions applying to terms and conditions as a whole or to specific terms—Whether female employee entitled to equality of particular term or condition of employment—Equal Pay Act 1970, s 1(2)—EC Council Directive 75/117, art 1. **Hayward v Cammell Laird Shipbuilders Ltd** [1988] **2** 257, HL.

European Economic Community—

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EQUALITY

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Social security—

European Economic Community. *See* **European Economic Community** (Equality of treatment of men and women—Social security).

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Confidential information—

Information relating to sexual conduct—Whether duty of confidentiality attaching to information relating to sexual conduct—Information disclosed by plaintiff to friend in confidence—Friend disclosing information to newspaper—Whether information imparted in circumstances importing an obligation of confidence. **Stephens v Avery** [1988] **2** 477, ChD.

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Information obtained from confidential hospital records—Information identifying AIDS sufferers—Information procured from hospital employees by newspaper—Interlocutory injunction granted restraining newspaper from publishing information—Whether permanent injunction restraining publication necessary in public interest—Whether publication of article in breach of injunction a contempt of court—Contempt of Court Act 1981, s 10. **X v Y** [1988] **2** 648, QBD.

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Husband and wife—Whether confidential relationship giving rise to presumption of undue influence—Whether transaction will be set aside if not to manifest disadvantage of person influenced. **Midland Bank plc v Shephard** [1988] **3** 17, CA.

Undue influence exerted by debtor on surety—

Misrepresentation by person exercising influence—Effect of misrepresentation—Defendants executing legal charge on property in favour of bank in respect of moneys owed to bank by debtor—Defendants executing charge as result of misrepresentation and undue influence of debtor—Debtor's solicitors acting for defendants although not instructed to do so by defendants—Whether creditor infected with conduct of debtor and debtor's solicitors. **Bank of Baroda v Shah** [1988] **3** 24, CA.

ESTATE AGENT

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Subsequent change in law showing earlier decision was wrong—Unsuccessful party seeking to reopen case—Whether change in law capable of bringing case within exception to issue estoppel—Whether justice requiring point to be reopened—Whether issue estoppel arising. **Arnold v National Westminster Bank plc** [1988] **3** 977, ChD.

Town and country planning appeal. *See* **Town and country planning** (Appeal—Issue estoppel).

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Rent review clause. *See* Issue estoppel—Rent review clause, *ante*.

EUROPEAN ECONOMIC COMMUNITY

Equality of treatment of men and women—

Equal working conditions—

Dismissal—Dismissal on attaining retirement age—Employer operating differential retirement ages for men and women as matter of policy—National legislation making discriminatory retirement ages lawful—Legislation not passed to give effect to Community directive on equal treatment of men and women—Whether legislation should be construed in accordance with directive—Whether woman dismissed in accordance with policy on retirement entitled to damages—Sex Discrimination Act 1975, s 6(4)—EC Council Directive 76/207. **Duke v GEC Reliance Ltd** [1988] **1** 626, HL.

Social security—

Survivor's pension—Deduction from pay as contribution to survivor's pension—Deduction made from salary of men only—Deduction made regardless of men's marital status—Gross pay of men and women the same—Whether deduction of contribution from salary only of men breaching principle of equal pay for men and women—Whether deduction breaching principle of equal treatment for men and women as regards working conditions—EEC Treaty, art 119—EC Council Directive 75/117—EC Council Directive 76/207. **Newstead v Dept of Transport** [1988] **1** 129, CJEC.

Family benefits and family allowances. *See* Social security—Family benefits and family allowances, *post*.

Freedom of movement—

Goods—

Application of Treaty provisions—Requirements of Treaty regarding free movement of goods applying equally to all authorities of a member state whether judicial or administrative—EEC Treaty, Pt II, Title I. **Allen & Hanburys Ltd v Generics (UK) Ltd** [1988] **2** 454, CJEC, [1988] **3** 1057, HL.

Infringement of patent—Patent endorsed 'licences of right'—Injunction prohibiting importation of infringing product—Power of national court to grant injunction—Injunction not available against producer manufacturing infringing product in national territory—Whether national court having power to grant restraining importation of infringing product—Whether relevant that infringing product a pharmaceutical product coming from member state where such products not patentable—EEC Treaty,arts 30,36.**Allen & Hanburys Ltd v Generics (UK) Ltd** [1988] **2** 454, CJEC, [1988] **3** 1057, HL.

Restriction on freedom—Restrictions justified on grounds of protection of public health—Pharmaceutical product—Restriction on importation—Whether restriction can be justified where relevant national legislation not applicable without distinction to domestic and imported products—EEC Treaty,art 36. **Allen & Hanburys Ltd v Generics (UK) Ltd** [1988] **2** 454, CJEC, [1988] **3** 1057, HL.

Restriction on freedom—Restrictions justified on grounds of protection of industrial and commercial property—Product infringing patent—Restriction on importation—Whether restriction can be justified where relevant national legislation not applicable without distinction to domestic and imported products—Patents Act 1977,s 46—EEC Treaty,art 36. **Allen** Hanburys Ltd v Generics (UK) Ltd [**1988**] 2 **454, CJEC, [1988**] 3 **1057, HL.**

National legislation—

Construction—

Construction in light of Community obligations—National legislation making discriminatory retirement ages for men and women lawful—Legislation not passed to give effect to Community directive on equal treatment of men and women—Proper approach to construction of English legislation—European Communities Act 1972, s 2(4). **Duke v GEC Reliance Ltd** [1988] **1** 626, HL.

Patent—

Licence—

Licences of right—Terms—Restrictive term—Restriction on importation—Competent national authorities not able to refuse licence to producer manufacturing and marketing product in national territory—Whether national authorities able to impose terms on licensee impeding importation from other member states of product covered by patent endorsed 'licences of right'—Whether relevant that product a pharmaceutical product coming from member state where such products not patentable—EEC Treaty, arts 30, 36. **Allen & Hanburys Ltd v Generics (UK) Ltd** [1988] **2** 454, CJEC.

Licences of right—Terms—Restrictive term—Restriction on importation—Competent national authorities not able to refuse licence to producer manufacturing and marketing product in national territory—Whether national authorities able to impose terms on licensee impeding importaion from other member states of product covered by patent endorsed 'licences of right'—Whether relevant that product a pharmaceutical product coming from member state where such products not patentable—EEC Treaty,arts 30,36.**Allen & Hanburys Ltd v Generics (UK) Ltd** [1988] **2** 454, CJEC, [1988] **3** 1057, HL.

Social security—

Family benefits and family allowances—

Overlapping of rights—Entitlement to benefit—Child benefit—Family benefit paid in Netherlands to divorced husband for children of marriage—Children living with unemployed mother in United Kingdom—Mother applying for child benefit for children—Whether mother entitled to child benefit—Whether rule against overlapping benefits applying—EC Council Regulation 1408/71, art 73—EC Council Regulation 572/72, art 10(1)(*a*). **Burchell v Adjudication Officer**. [1988] **1** 233, CJEC.

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Supply of services—
Development council set up by statute to promote fruit growing industry—Growers required to pay mandatory annual charge to council—Activities of council—Services provided by council—Whether exercise by council of its functions and imposition of mandatory annual charge constituting 'supply of . . . services effected for consideration'—EC Council Directive 77/388, art 2(1). **Apple and Pear Development Council v Customs and Excise Comrs** [1988] **2** 922, CJEC.

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Confession—
Criminal proceedings—
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Criminal proceedings. *See* **Criminal evidence**.
Defamation cases. *See* **Libel and slander** (Evidence).
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Plan, photograph etc—
Leave to produce plant etc as evidence without giving other party opportunity to inspect it. *See* **Practice** (Document—Production in evidence—Leave to produce plan, photograph or model as evidence without giving other party opportunity to inspect it).
Exchange of witnesses' statements—
Statement of oral evidence—
Direction by court—Privileged communications—Plaintiff seeking order for exchange before trial of written statements of oral evidence—Defendant claiming communications obtained from witnesses for litigation privileged—Whether parties should be ordered to exchange witness statements—RSC Ord 38, r 2A. **Comfort Hotels Ltd v Wembley Stadium Ltd (Silkin and others, third parties)** [1988] **3** 53, ChD.
Foreign tribunal—
Examination of witness in relation to matters pending before foreign tribunal—
Objection to evidence being taken—Whether opposing party in foreign proceedings having locus standi to apply to set aside order for examination of witness—Evidence (Proceedings in Other Jurisdictions) Act 1975. **Boeing Co v PPG Industries Inc** [1988] **3** 839, CA.
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Civil proceedings—
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Interlocutory proceedings—
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Privilege—
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Without prejudice correspondence. *See* Without prejudice correspondence, *post*.
Proceedings in other jurisdictions. *See* Foreign tribunal, *ante*.
Without prejudice correspondence—
Correspondence forming part of negotiations—
Privilege—Settlement of action—Negotiations resulting in compromise of action between plaintiffs and first defendants—Whether second defendants entitled to discovery of without prejudice correspondence passing between plaintiffs and first defendants. **Rush & Tompkins Ltd v Greater London Council** [1988] **3** 737, HL.

EX GRATIA PAYMENT
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EXECUTION

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Land—

Interest in land—Person entitled to charging order on co-owner's share of proceeds of sale—Whether person entitled to charging order having proprietary interest in co-owner's share—Whether person entitled to charging order a 'person interested' in the land—Whether person entitled to charging order able to apply for order for sale of land—Law of Property Act 1925, s 30. **Midland Bank plc v Pike** [1988] **2** 434, ChD.

Interest in land—Whether charging order may be registered against owner of undivided share in land—Whether charging order an order 'affecting land'—Charging Orders Act 1979, s 2. **Perry v Phoenix Assurance plc** [1988] **3** 60, ChD.

Discovery in aid of execution—

Examination of judgment debtor—

Body corporate—International organisation set up by treaty—International Tin Council—Default by council—Arbitration award made against council—Judgment entered against council—Council refusing to give judgment creditor information concerning extent and whereabouts of its assets—Whether court having jurisdiction to order examination of officer of council regarding council's assets. **Maclaine Watson & Co Ltd v Dept of Trade and Industry and related appeals** [1988] **3** 257, CA.

Equitable execution—

Receiver—

Appointment of receiver to enforce judgment against debtor—International organisation set up by treaty—International Tin Council—Default by council—Arbitration award made against council—Judgment entered against council—Whether court having jurisdiction to appoint receiver to enforce award and judgment against council. **Maclaine Watson & Co Ltd v Dept of Trade and Industry and related appeals** [1988] **3** 257, CA.

Garnishee order—

Debt owing or accruing from third party—

Debt payable by English company outside jurisdiction—Foreign state claiming beneficial interest in debt—Whether court having jurisdiction to make garnishee order requiring debtor to discharge debt by payment to third party—RSC Ord 49, r 1. **Deutsche Schachtbau-und Tiefbohrgesellschaft mbH v Ras Al Khaimah National Oil Co** [1988] **2** 833, HL.

Debt payable by English company outside jurisdiction—Third party seeking to enforce English judgment debt against creditor—Whether exposure of debtor to real risk of having to pay debt twice under foreign judgment making it inequitable for court to make garnishee order absolute. **Deutsche Schachtbau-und Tiefbohrgesellschaft mbH v Ras Al Khaimah National Oil Co** [1988] **2** 833, HL.

EXECUTOR AND ADMINISTRATOR

Probate. *See* **Probate**.

EXHIBITION

Cinematograph exhibition. *See* **Cinema** (Cinematograph exhibition).

EXTRADITION

Discharge of fugitive—

Circumstances rendering it unjust or oppressive to return fugitive—

Fugitive in custody for 17 months—Whether discharge should be ordered—Fugitive Offenders Act 1967, s 8(3)(*b*). **Oskar v Government of Australia** [1988] **1** 183, HL.

Fugitive offender—

Discharge of offender. *See* Discharge of fugitive, *ante*.

Evidence—

Authentication of documents—Certificate by magistrate—Statements by witnesses on oath before Australian magistrate confirming statements previously made by them to police—Whether documents constituting original documents duly recording evidence on oath—Whether documents required to be individually certified—Whether admissible evidence justifying committal—Fugitive Offenders Act 1967, ss 7(5), 11. **Oskar v Government of Australia** [1988] **1** 183, HL.

Restrictions on return—

Prior disposal of English charges—Disposal of—Fugitive charged with various offences in United Kingdom and convicted—One charge ordered to lie on file, not to be proceeded with without leave—Whether charge 'disposed of'—Whether Secretary of State entitled to issue authority to proceed—Fugitive Offenders Act 1967, s 9(2)(*b*). **Oskar v Government of Australia** [1988] **1** 183, HL.

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Costs—

Jurisdiction to award costs against unsuccessful applicant. *See* **Costs** (Habeas corpus—Award of costs against unsuccessful applicant—Extradition proceedings).

FAIRS

See **Markets and fairs**.

See **Markets and f&irs**.

FALSE IMPRISONMENT

Arrest without warrant—

Northern Ireland—

Arrest by armed forces—Arrest of person suspected of involvment with IRA-Arrested person under restraint in private house for 30 minutes before formal arrest made—Whether arrested person unlawfully imprisoned during that period—Northern Ireland (Emergency Provisions) Act 1978, s 14. **Murray v Ministry of Defence** [1988] **2** 521, HL.

FALSE STATEMENT

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FAMILY ALLOWANCE
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FAMILY DIVISION
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Former wife—
Order preventing former wife from applying for provision on death of husband—Matters required to be put before court—Inheritance (Provision for Family and Dependants) Act 1975, s 15(1). **Whiting v Whiting** [1988] **2** 275, CA.

FATAL ACCIDENT
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Loss of services as mother—Dependant aged three—Method of calculating damages based on commercial cost of hiring notional nanny—Child becoming more independent as he gets older and less in need of services of nanny—Method of calculation to take account of change. **Spittle v Bunney** [1988] **3** 1031, CA.
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FIDUCIARY DUTY
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See **Company** (Director—Duty—Fiduciary duty).

FINANCIAL PROVISION
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FIREARMS
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Prohibited weapons—
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Electric stun gun—Device designed to inflict pain and cause temporary incapacitation by passing electric current through victim's body—Whether creation of electric current amounting to a 'discharge'—Whether electric stun device a prohibited weapon—Firearms Act 1968, s 5(1)(*b*). **Flack v Baldry** [1988] **1** 673, HL.

FOR SALE BOARD
Display without consent of local authority. *See* **Town and country planning** (Advertisement—Display without consent—For sale boards).

FOREIGN COURT
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FOREIGN LAW
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FOREIGN POSSESSIONS
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FOREIGN STATE
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FREEDOM OF MOVEMENT
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FREEHOLD
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Jurisdiction to award costs against unsuccessful applicant. *See* **Costs** (Habeas corpus—Award of costs against unsuccessful applicant—Extradition proceedings).

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Reservation of shooting and sporting rights—
Appointment of land in 1921 reserving to appointors 'hunting shooting fishing coursing and sporting' rights over and on land in respect of 'all game woodcocks snipe and other wild fowl hares rabbits and fish'—Whether 'game' including deer—Whether taking of deer reserved to appointors. **Inglewood Investment Co Ltd v Forestry Commission** [1988] **1** 783, ChD.

GARNISHEE ORDER
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Disclosure of address by government department—
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Missing ward—Address of ward or of person with whom ward believed to be. *See* **Ward of court** (Missing ward—Address of ward or of person with whom ward believed to be—Disclosure of address by government departments).

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Disciplinary powers. *See* **Prison** (Discipline—Governor).

GRATUITOUS AGENT
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See **Contempt of court** (Publications concerning legal proceedings).
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Overpayment. *See* **Rates** (Overpayment—Refund).

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Voluntary winding up. *See* **Company** (Voluntary winding up—Liquidator—Remuneration).

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Whether covenant running with land. *See* **Landlord and tenant** (Covenant—Covenant running with land—Covenant to guarantee lessee's payment of rent).
Restriction. *See* **Rent restriction**.
Review. *See* **Landlord and tenant** (Rent—Review).
Underlease—
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RENT RESTRICTION
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Company tenancy—
Flat let to company and occupied by company's nominee—Whether tensancy a sham—Whether occupier a protected tenant. **Hilton v Plustitle Ltd.** [1988] **3** 1051, CA.
Protected tenancy—
Excluded tenancies—
Rent including payments in respect of board or attendance—Board—Provision of continental breakfast—Whether provision of continental breakfast constituting 'board'—Rent Act 1977, s 7(1). **Otter v Norman** [1988] **2** 897, HL.

REPATRIATION
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REPUDIATION
Contract—
Generally. *See* **Contract** (Repudiation).

REPUTATION
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RES JUDICATA
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Issue estoppel. *See* **Estoppel** (Issue estoppel).

RESTITUTION
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Generally. *See* **Costs** (Taxation—Review of taxation).

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Private right of way. *See* **Easement** (Right of way).

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Police equipment. *See* **Police** (Equipment—Riot equipment).

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Failure to provide specimen—
Reasonable excuse—Generally. *See* Specimen—Failure to provide specimen—Reasonable excuse, *post*.
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Specimen of blood or urine—
Failure to provide specimen—Reasonable excuse. *See* Specimen—Failure to provide specimen—Reasonable excuse, *post*.
Excessive speed—
Evidence—
Opinion of one witness—Police officer's evidence of excessive speed on inspection of damage to vehicle and skid marks—Whether police officer's evidence merely an opinion of excessive speed—Whether accused properly convicted soley on police officer's evidence—Road Traffic Regulation Act 1984, s 89(2). **Crossland v DPP**[1988] **3** 712, QBD.
Motor insurance. *See* **Motor insurance**.

ROAD TRAFFIC (cont)
Reckless driving—
Defence—
Duress. *See* **Criminal law** (Duress as a defence—Reckless driving).
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Failure to provide specimen—
Reasonable excuse—Requirement to provide specimen at police station—Suspect refusing to provide specimen until he has exercised right to consult solicitor—Whether amounting to reasonable excuse—Road Traffic Act 1972, s 8(7)—Police and Criminal Evidence Act 1984, s 58. **DPP v Billington** [1988] **1** 435, QBD.
Speeding. *See* Excessive speed, *ante*.

RULE AGAINST PERPETUITIES
Application of rule—
Objects of trust capable of taking outside perpetuity period—
Gift by way of remainder to 'issue' of beneficiary—Settlement—Date on which interests vest—Gift to issue on attaining 21—Whether issue limited to children—Whether issue limited to those in being at date of death of beneficiary or at date of death of child of beneficiary—Whether gift void for remoteness. **Re Drummond's Settlement, Foster v Foster** [1988] **1** 449, CA.

SALE OF GOODS
Implied condition as to fitness—
Dealing as consumer—
Express term of conditional sale agreement excluding liability for fitness where purchaser 'dealing as consumer'—Whether agreement containing implied condition that car was reasonably fit for purposes for which it was purchased—Whether implied condition excluded by express term of agreement—Unfair Contract Terms Act 1977, s 6(2)—Sale of Goods Act 1979, s 14(3). **R & B Customs Brokers Co Ltd v United Dominions Trust Ltd (Saunders Abbott (1980) Ltd, third party)** [1988] **1** 847, CA.
Implied condition as to merchantable quality—
Merchantable quality—
Matters to be considered—Purchaser's reasonable expectations about goods at time of sale as well as their condition—Whether secondhand enthusiast's car of merchantable quality—Whether court may interfere where award of damages is manifestly unjust due to incorrect decision on issue of merchantable quality—Sale of Goods Act 1979, s 14(2). **Shine v General Guarantee Corp Ltd (Reeds Motor Co (a firm), third party)** [1988] **1** 911, CA.
Mercantile agent. *See* **Agent** (Mercantile agent).
Payment—
Credit card—
Nature of credit card transaction—Effect of credit card company's liquidation—Company operating credit card system for purchase of petrol at garages—Company going into liquidation—Debts outstanding from cardholders not paid by company to garages—Whether cardholders' debts due to company or to garages—Whether liquidator bound to pay garages from money collected from cardholders before company had paid garages. **Re Charge Card Services Ltd [1988] 3 702, CA.**

SALE OF LAND
Advertisement—
Display without consent of local authority. *See* **Town and country planning** (Advertisement—Display without consent).
Completion—
Completion statement defective—
Completion statement received two hours before notice to complete due to expire—Completion statement failing to specify correct purchase price—No tender of purchase price by purchaser—Whether purchaser in breach of contract. **Carne v Debono** [1988] **3** 485, CA.
Contract—
Completion—
Notice to complete—Validity—Material misdescription of area in conditions of sale—Whether vendors ready and willing to fulfil own outstanding obligations—Whether notice to complete valid—National Conditions of Sale (20th edn),condition 22.**Bechal v Kitsford Holdings Ltd** [1988] **3** 985, Ch D.
Rescission—
Completion statement—Completion statement received two hours before notice to complete due to expire—Completion statement failing to specify correct purchase price—No tender of purchase price by purchaser—Whether purchaser in breach of contract. **Carne v Debono** [1988] **3** 485, CA.
Misrepresentation—
Particulars of sale—
Particulars stating that property connected to main drainage—Vendors' agents informing purchasers' solicitors that statement erroneous—Purchasers' solicitors failing to inform purchasers—Subsequent repetition of misrepresentation by vendors—Whether knowledge of purchasers' solicitors to be imputed to purchasers—Whether purchasers entitled to rely on misrepresentation. **Strover v Harrington** [1988] **1** 769, ChD.
Protected tenancy—
Possession—
Order for possession—Protected tenant signing contract for sale providing for purchaser to be given vacant possession—Tenant refusing to give up possession—Whether purchaser entitled to order for possession—Rent Act 1977, s 98(1). **Appleton v Aspin** [1988] **1** 904, CA.

SALVAGE
Admiralty jurisdiction—
Action in rem—
Claim in the nature of salvage. *See* **Admiralty** (Jurisdiction—Action in rem—Claim in the nature of salvage).

SCHOOL
Transport to and from school—
Provision by local education authority. *See* **Education** (Local education authority—Provision of transport for pupils—Transport to and from school).

SECURITIES
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Tax advantage. *See* **Income tax** (Tax advantage—Transaction in securities).

SECURITY FOR COSTS
House of Lords. *See* **House of Lords** (Costs—Security for costs).

SECURITY SERVICE
Protection of security service—
Prevention of disclosure of confidential information—
Permanent injunction against disclosure of information. *See* **Confidential information** (Injunction against disclosure of information—Information relating to security service).

SENTENCE
Remission—
Repatriation of prisoner—
Transfer into United Kingdom. *See* **Prison** (Repatriation of prisoner—Transfer into United Kingdom—Continued enforcement of sentence—Remission of sentence).

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Statutory demand. *See* **Bankruptcy** (Statutory demand—Service)
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Service out of jurisdiction. *See* **Bankruptcy** (Service—Service out of jurisdiction—Motion).
Summons—
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Inquiry into debtor's dealings and property—Summons to persons capable of giving information. *See* **Bankruptcy** (Inquiry into debtor's dealings and property—Summons to persons capable of giving information—Service).

SERVICES
Value added tax—
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SET OFF
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Separate accounts. *See* **Bank** (Account—Separate accounts—Right to combine or set off).
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Claim for freight. *See* **Shipping** (Freight—Claim for freight—Set off).

SETTLED LAND
Transaction affecting settled land—
Power of court to order unauthorised transaction to be effected—
Transaction for benefit of settled land—Trustees empowered to effect transaction for benefit of property—Trustees wishing to transfer part of trust property to maintenance fund—Persons not beneficiaries under settlement likely to become beneficiaries under maintenance fund—Whether trustees empowered to establish maintenance fund—Settled Land Act 1925, s 64. **Raikes v Lygon** [1988] **1** 884, ChD.

SETTLEMENT
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Generally. *See* **Capital transfer tax** (Settlement).
Land—
Settled land. *See* **Settled land**.
Rule against perpetuities. *See* **Rule against perpetuities**.

SEX DISCRIMINATION
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Equality of treatment—
Generally. *See* **Employment** (Equality of treatment of men and women).
European Economic Community—
Equality of treatment. *See* **European Economic Community** (Equality of treatment of men and women).
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European Economic Community. *See* **European Economic Community** (Equality of treatment of men and women—Social security).

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Disclosure—
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SHARES
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Generally. *See* **Company** (Shares).
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Option available to employees of company and its subsidiaries—
Whether option lapsing on sale of subsidiary. *See* **Contract** (Condition subsequent—Company—Share option).

SHIPPING

Admiralty—

Jurisdiction. *See* **Admiralty** (Jurisdiction).

Arrived ship—

Demurrage—

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Berth charterparty—

Arrived ship under berth charterparty—

Commencement of lay days. *See* Commencement of lay days—Arrived ship under berth charterparty, *post*.

Commencement of lay days—

Arrived ship under berth carterparty—

Notice of readiness—Charterparty providing that notice of readiness could be given 'whether in berth or not'-Vessel arriving at port but unable to berth because of fog although berth available—Notice of readiness given on arrival—Whether notice of readiness could be given on arrival if berth available but unable to be reached beacause of bad weather.**Bulk Transport Group Shipping Co Ltd v Seacrystal Shipping Ltd, The Kyzikos**[1988] **3** 745, HL.

Demurrage—

Arrived ship—

Place reachable on arrival—Delay in entering port—Delay due to non-physical obstruction—Charterparty providing for discharge at place reachable on arrival designated and procured by charterer—Discharge delayed because of port regulations requiring compulsory pilotage and prohibiting night pilotage—Whether owners entitled to demurrage—Whether any distinction between physical and non-physical causes of obstruction rendering designated place unreachable. **K/S Arnt J Moerland v Kuwait Petroleum Corp, The Fjordaas** [1988] **2** 714, QBD.

Commencement of lay days. *See* Commencement of lay days, *ante*.

Freight—

Claim for freight—

Set off—Shipowner's failure to complete contract—Failure to complete voyage—Damages for shipowner's repudiation—Voyage charterparty providing for payment of lump sum freight within five days of signing of bills of lading—Vessel arrested and impounded during voyage because of owners' insolvency—Claim for payment of freight—Whether charterers entitled to set off claim for damages for owners' wrongful repudiation against claim for freight. **Colonial Bank v European Grain and Shipping Ltd, The Dominique** [1988] **3** 233, CA.

Salvage—

Admiralty jurisdiction—

Action in rem. *See* **Admiralty** (Jurisdiction—Action in rem—Claim in the nature of salvage).

SHOOTING AND SPORTING RIGHTS

Game. *See* **Game** (Shooting and sporting rights).

SHORT CAUSES LIST

Chancery Division. *See* **Practice** (Chancery Division—Short causes list).

SHORT PROBATE LIST

Practice—

Generally. *See* **Practice** (Chancery Division—Short Probate List).

SLANDER

Generally. *See* **Libel and slander.**

SOCIAL SECURITY

Adjudication officer—

Negligence—

Duty to take care. *See* **Negligence** (Duty to take care—Existence of duty—Adjudication officer).

Child benefit—

Entitlement to benefit—

European Economic Community—Overlapping of rights. *See* **European Economic Community** (Social security—Family benefits and family allowances—Overlapping of rights—Entitlement to benefit—Child benefit).

European Economic Community—

Generally. *See* **European Economic Community** (Social security).

Family benefits and family allowances—

European Economic Community. *See* **European Economic Community** (Social security—Family benefits and family allowances).

Sex discrimination—

European Economic Community. *See* **European Economic Community** (Equality of treatment of men and women—Social security).

Unemployment benefit—

Disqualification for benefit—

Days of unemployment—Days not to be treated as days of unemployment—Employment to full extent normal—Claimant's pattern of work—Pattern of work normal in his case—Part-time employment—Claimant employed full-time for seven years—Claimant unemployed for five months—Claimant employed part-time working two days a week—Whether claimant employed 'to the full extent normal in his case'—Whether claimant disqualified for claiming unemployment benefit for three days a week when not working—Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1975, reg 7(1)(*e*). **Riley v Chief Adjudication Officer** [1988] **1** 457, CA.

Days of unemployment—Days not to be treated as days of unemployment—Employment to full extent normal—Claimant's pattern of work—Pattern of work normal in his case—Part-time employment—Part-time employment for fixed temporary period—Claimant unemployed for 21 months—Claimant employed part-time working two and a half days a week—Employment limited to maximum of 52 weeks—Whether claimant employed 'to the full extent normal in his case'—Whether claimant disqualified for claiming unemployment benefit for days when not working—Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983, reg 7(1)(*e*). **Chief Adjudication Officer v Brunt** [1988] **1** 754, HL.

SOLICITOR

Access to—

Right of person in custody—

Delay in complying with request to consult solicitor—Road traffic offence—Person suspected of committing drink-driving offence arrested and held in custody—Suspect requesting to consult solicitor—Police requiring specimen of suspect's breath—Whether police required to delay taking specimen of breath until after suspect has consulted solicitor—Road Traffic Act 1972, ss 5, 6, 8—Police and Criminal Evidence Act 1984, s 58. **DPP v Billington** [1988] **1** 435, QBD.

Suspected person—

Delay in obtaining access to solicitor—Admissibility of confession obtained after access to solicitor wrongly delayed. *See* **Criminal evidence** (Admissions and confessions—Detention and questioning of suspects—Right to consult solicitor—Delaying access to solicitor).

Authority—

Ostensible authority—

Solicitor giving false undertaking on behalf of firm as security for loan—Whether solicitor having ostensible authority to act for firm—Whether undertaking given in usual course of a solicitor's business—Whether undertaking enforceable against firm—Partnership Act 1890, s 5. **United Bank of Kuwait Ltd v Hammond, City Trust Ltd v Levy** [1988] **3** 418, CA.

Client's account—

Solicotor's lien over money in client account. *See* Lien— Money in client account, *post*

Costs—

Payment by solicitor personally—

Generally. *See* Payment of costs by solicitor personally, *post*.

Legal professional privilege—

Generally. *See* **Privilege** (Legal professional privilege).

Lien—

Money in client account—

Client's assets subject to Mareva unjunction—Whether solicitor having lien over money in client account—Whether solicitor entitled to payment of costs out of money in client account. **Prekookeanska Plovidba v LNT Lines Srl** [1988] **3** 897, QBD.

Property recovered or preserved in action—

Property paid into joint account held in names of parties' solicitors—Defendants given leave to defend on condition they paid amount in dispute into joint account—Plaintiffs changing solicitors—Whether plaintiffs' new solicitors could be substituted for their former solicitors as holders of joint account—Whether plaintiffs' former solicitors having lien over fund in joint account.**Halvanon Insurance Co Ltd v Central Reinsurance Corp**[1988] **3** 857, QBD.

Retaining lien—

Lien over documents in respect of unpaid costs—Receiver of company requesting documents held by company's solicitors—Whether solicitors able to assert lien as against receiver. **Re Aveling Barford Ltd** [1988] **3** 1019, Ch D.

Negligence—

Cause of action—

Accrual of cause of action. *See* **Limitation of action** (Accrual of cause of action—Negligence—Solicitor).

Undertaking—

Breach of undertaking—Duty owed to third party—Husband's solicitors giving implied undertaking to wife's solicitors not to release husband's passport—Husband obtaining passport because of his solicitors' negligence and using it to leave United Kingdom with his children contrary to court order—Whether husband's solicitors owing duty to wife—Whether husband's solicitors in breach of that duty—Whether damage caused to wife too remote. **Al-Kandari v J R Brown & Co (a firm)** [1988] **1** 833, CA.

Will—

Duty of care—Instructions to draw up will conferring bequest on beneficiary—Solicitor subsequently acting for testator in transaction concerning asset included in bequest—Transaction adversely affecting beneficiary's interest in bequest—Solicitor failing to advise testator of effect of transaction on beneficiary's interest—Whether solicitor owing duty of care to beneficiary. **Clarke v Bruce Lance & Co (a firm)** [1988] **1** 364, CA.

Payment of costs by solicitor personally—

Costs incurred unreasonably or improperly—

Solicitors for defendant failing to apply promptly to set aside judgment entered against defendant in default and failing to inform plaintiff promptly that defendant had been granted legal aid and would be applying to set aside judgment—Plaintiff seeking order that defendant's solicitors pay the costs personally—Whether sufficient cause for order for costs to be made—RSC Ord 62, r 11. **Sinclair-Jones v Kay** [1988] **2** 611, CA.

Practice—

Advocate—

Right of audience—Crown Court. *See* **Crown Court**(Practice—Solicitor—Right of audience).

Right of audience—

Crown Court. *See* **Crown Court** (Practice—Solicitor—Right of audience).

Undertaking—

False undertaking given on behalf of firm as security for loan—

Whether solicitor having ostensible authority to act for firm. *See* Authority—Ostensible authority—Solicitor giving false undertaking on behalf of firm as security for loan, *ante*.

Negligence. *See* Negligence—Undertaking, *ante*.

SPECIAL PROCEDURE MATERIAL

Generally. *See* **Criminal evidence** (Special procedure material).

SPEEDING

Road traffic *See* **Road traffic** (Excessive speed).

SPORTING RIGHTS

Game—

Generally. *See* **Game** (Shooting and sporting rights).

SPOUSE
Former spouse—
Family provision. *See* **Family provision** (Former spouse).

STATUTE
Construction—
European Economic Community—
National legislation. *See* **European Economic Community** (National legislation—Construction).

STATUTORY INSTRUMENT
Construction—
Hansard—
Reference to proceedings in Parliament as an aid to construction—Regulations introduced to give effect to ruling by Court of Justice of European Communities that United Kingdom failed to fulfil obligations under EEC Treaty—Regulations not subject to parliamentary process of consideration and amendment—Whether legitimate to refer to Hansard to ascertain intention of Parliament with respect to regulations. **Pickstone v Freemans plc** [1988] **2** 803, HL.

STATUTORY POWER
Negligence—
Duty to take care. *See* **Negligence** (Duty to take care—Statutory powers).
Public authority. *See* **Public authority** (Statutory powers).

STAY OF PROCEEDINGS
Arbitration—
Generally. *See* **Arbitration** (Stay of court proceedings).
See **Arbitration** (Stay of court proceedings).
Bankruptcy—
Stay of committal proceedings for non-payment of rates—
Jurisdiction of bankruptcy court to stay committal proceedings. *Se&* **Bankruptcy** (Jurisdiction—Stay of proceedings—Non-payment of rates).

STEALING
Crime. *See* **Criminal law** (Theft).

STERILISATION
Mentally handicapped person—
Consent to abortion and sterlisation. *See* **Abortion** (Legal abortion—Consent—Mentally handicapped person—Consent to abortion and sterlisation).

STREET TRADING
Pedlar—
Trading as pedlar—
Street trader travelling from place to place to trade from portable stand—Whether trading as a 'pedlar'—Pedlars Act 1871, s 3. **Watson v Malloy, Watson v Oldrey** [1988] **3** 459, QBD.

SUB-CONTRACTOR
Negligence—
Builder's liability for acts of sub-contractor. *See* **Negligence** (Duty to take care—Builder—Liability for acts of sub-contractor).
Economic loss—
Liability to building owner for economic loss. *See* **Negligence** (Duty to take care—Economic loss—Sub-contractor's negligence).

SUBORDINATE LEGISLATION
Statutory instrument. *See* **Statutory instrument**.

SUICIDE
Coroner's verdict—
Generally. *See* **Coroner** (Inquest—Verdict of suicide).

SUMMARY JUDGMENT
Generally. *See* **Practice** (Summary judgment).

SUMMARY PROCEEDINGS
Byelaw—
Challenge to validity of byelaw—
Jurisdiction of magistrates to determine issue of validity. *See* **Byelaw** (Validity—Summary proceedings).
Possession of land. *See* **Land** (Summary proceedings for possession).

SUMMONS
Bankruptcy proceedings—
Inquiry into debtor's dealings and property—
Summons to persons capable of giving information. *See* **Bankruptcy** (Inquiry into debtor's dealings and property—Summons to persons capable of giving information).
Magistrates, *See* **Magistrates** (Summons).

SURETY
Guarantee—
Generally. *See* **Guarantee**.

SURVEYOR
Negligence—
Generally. *See* **Negligence** (Surveyor).

SUSPECTED PERSON
Detention and questioning—
Admissions and confessions. *See* **Criminal evidence** (Admissions and confessions—Detention and questioning of suspects).

TAX

Avoidance—

Capital gains tax. *See* **Capital gains tax** (Tax avoidance scheme).

Development land tax. *See* **Development land tax** (Tax avoidance scheme).

Value added tax. *See* **Value added tax** (Tax avoidance scheme).

Capital gains tax. *See* **Capital gains tax**.

Capital transfer tax. *See* **Capital transfer tax**.

Development land tax. *See* **Development land tax**.

Income tax—

Generally. *See* **Income tax**.

Value added tax. *See* **Value added tax**.

TAXATION

Costs—

Generally. *See* **Costs** (Taxation).

TENANCY

Agricultural holding. *See* **Agricultural holding**.

Business premises—

Generally. *See* **Landlord and tenant** (Business premises).

Company—

Rent restriction—

Premises not within Acts. *See* **Rent restriction** (Premises not within Acts—Company tenancy).

Generally. *See* **Landlord and tenant**.

Licence distinguished from—

Generally. *See* **Landlord and tenant** (Tenancy—Tenancy distinguished from licence).

Local authority tenancy—

Generally. *See* **Housing** (Local authority houses—Tenancy).

Protected—

Generally. *See* **Rent restriction** (Protected tenancy).

Sale of land. *See* **Sale of land** (Protected tenancy).

THEFT

Crime. *See* **Criminal law** (Theft).

TIME

Crime—

Time limit for commencement of trial. *See* **Criminal law** (Trial—Commencement of trial—Time limit).

Limitation—

Limitation of action. *See* **Limitation of action**.

Trial—

Commencement—

Criminal trial. *See* **Criminal law** (Trial—Commencement of trial—Time limit).

TORT

Action founded on—

Service out of the jurisdiction. *See* **Practice** (Service out of the jurisdiction—Action founded on tort committed within jurisdiction).

Conspiracy—

Ingredients of tort—

Purpose—Predominant purpose—Predominant purpose of defendants' agreement not to injure plaintiff but to benefit defendants' own interests—Whether tort restricted to acts done in execution of agreement where predominant purpose is to injure plaintiff—Whether viable cause of action in conspiracy if defendants' agreement combines unlawful means with a purpose to injure which is not predominant. **Allied Arab Bank Ltd v Hajjar (No 2)** [1988] **3** 103, QBD.

Purpose—Predominant purpose—Predominant purpose of defendants' agreement not to injure plaintiff but to benefit defendants' own interests—Whether tort extending to acts done in execution of agreement where predominant purpose was not to injure plaintiff but to benefit defendants' interests. **Metall und Rohstoff AG v Donaldson Lufkin & Jenrette Inc** [1988] **3** 116, QBD.

Exemption from liability in tort—

Crown. *See* **Crown** (Exemption from liability in tort).

Interference with business interest—

Take-over bid—

False statements made to third party to prevent rival's take-over bid succeeding—Whether opportunity to make take-over bid a legal right—Whether false statements which prevent take-over bid giving rise to cause of action. **Lonrho plc v Fayed** [1988] **3** 464, QBD.

Interference with contractual relations—

Justification—

Equal or superior right—Mortgagee entering into arrangement with mortgagor for development of property—Mortgagee requiring mortgagor to terminate contract with architect as condition of development—Whether mortgagee justified in interfering with contract between mortgagor and architect. **Edwin Hill & Partners (a firm) v First National Finance Corp plc** [1988] **3** 3801, CA.

Limitation of action—

When time begins to run. *See* **Limitation of action** (When time begins to run—Actions in tort).

Negligence. *See* **Negligence**.

TORTE

vicarious liability. *See* **Vicarious liability**.

TOWN AND COUNTRY PLANNING

Advertisement—

Display without consent—

For sale boards—Estate agent displaying for sale board at property—Subsequently another estate agent displaying second board at property—Whether first estate agent committing offence of displaying for sale board without consent having been granted—Town and Country Planning Act 1971, s 109(2) Town and Country Planning (Control of Advertisements) Regulations 1984, regs 6, 14, class III(*a*)—Town and Country Planning (Control of Advertisements) (Amendment No 2) Regulations 1987. **Porter v Honey** [1988] **3** 1045, HL.

Appeal—

Appeal against enforcement notice. *See* Enforcement notice—Appeal against notice, *post*.

Issue estoppel—

Appeal against planning decision—Appeal against enforcement notice—Whether issue estoppel applies to appeals against planning decisions or enforcement notices—Town and Country Planning Act 1971, ss 36, 88. **Thrasyvoulou v Secretary of State for the Environment** [1988] **2** 781, CA.

Development—

Unauthorised—

Enforcement of planning control. *See* Enforcement of planning control—*post*.

Enforcement notice—

Appeal against notice—

Issue estoppel. *See* Appeal—Issue estoppel—Appeal against planning decision—Appeal against enforcement notice, *ante*.

Notice of no effect pending determination of appeal—Final determination of appeal—Whether appeal finally determined when Secretary of State makes decision—Whether appeal not finally determined until appeal on point of law disposed of—Town and Country Planning Act 1971, ss 88(10), 246. **R v Kuxhaus** [1988] **2** 705, CA.

Enforcement of planning control—

Civil remedy—

Unauthorised development—Caravan site—Development carried out without planning permission and in disregard of enforcement and stop notices—Dismissal of planning applications and criminal proceedings failing to secure compliance with notices—Defendants claiming no other site suitable for caravans—Whether planning authority entitled to injunction requiring use of caravan site to cease—Local Government Act 1972, s 222. **Waverley BC v Hilden** [1988] **1** 807, ChD.

Fairs—

Planning permission. *See* **Markets and fairs** (Planning permission).

Markets and fairs—

Planning permission. *See* **Markets and fairs** (Planning permission).

TRADE

Income tax—

Deduction in computing profits. *See* **Income tax** (Deduction in computing profits).

Street trading. *See* **Street trading**

TRANSFER

Action—

County court. *See* **County court** (Transfer of action).

Property—

Engaged couple. *See* **Engaged couple** (Property—Transfer of property).

TRANSPORT

Schoolchildren, for—

Provision by local education authority. *See* **Education** (Local education authority—Provision of transport for pupils.

TRESPASS TO LAND

Damages—

Extinction of title—

Adverse possession—Whether true owner entitled to damages for trespass once title extinguished by adverse possession. **Mount Carmel Investments Ltd v Peter Thurlow Ltd** [1988] **3** 129, CA.

Summary proceedings for possession of land—

Generally. *See* **Land** (Summary proceedings for possession).

TRIAL

Criminal—

Evidence. *See* **Criminal evidence**.

Generally. *See* **Criminal law** (Trial).

Indictment. *See* **Indictment**.

See **Indictment**.

Verdict—

Generally. *See* **Criminal law** (Verdict).

Jury—

Trial by jury—

Generally. *See* **Jury**.

TRIBUNAL

Foreign Tribunal—

Evidence. *See* **Evidence** (Foreign tribunal).

Immigration Appeal Tribunal—

Generally. *See* **Immigration** (Appeal).

Industrial tribunal—

Generally. *See* **Industrial tribunal**.

TRUST AND TRUSTEE
Accounts—
Limitation of action—
Charitable trust. *See* **Limitation of action** (Trust property—Charitable trust—Action by Attorney General for accounts to be taken of trust property).
Capital transfer tax. *See* **Capital transfer tax**.
Costs—
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Liquidation of company producing surplus—Whether Customs and Excise Commissioners entitled to recoup out of surplus amount of value added tax refunded to creditor—Whether commissioners subrogated to rights of creditor—Finance Act 1978, s 12. **Re T H Knitwear (Wholesale) Ltd** [1988] **1** 860, CA.
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Supply—
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VARIATION OF TRUSTS
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Whether court has jurisdiction to make an unborn child a ward of court. **Re F (in utero)** [1988] **2** 193, CA.
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Disclosure of address by government departments—Disclosure at request of registrar—Particulars to be certified in request—Information to be supplied to registrar by applicant or solicitors prior to request—Child Abduction and Custody Act 1985—Family Law Act 1986, Pt I. **Practice Direction** [1988] **2** 573, FamD.
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